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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,249	04/13/2004	Brian Keith Long	000479.00124	5753
22909 7590 02/27/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER CLEMENT, MICHELLE RENEE	
			ART UNIT	PAPER NUMBER
			3641	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,249

Applicant(s)

LONG, BRIAN KEITH

Examiner

Michelle (Shelley) Clement

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/30/06 have been fully considered but they are not persuasive. As a general response to applicant's assertion concerning "abutting" panels, it is noted that applicant's newly 62-68 and 70-72 have no requirement for abutting. Furthermore it is noted that the term "seperable" is understood to mean seperable by any manner. Since applicant has disclosed that the panels of the present application are joinable and one of the manners of joining include welding (which it is noted can also be seperable), the fact that the prior art discloses the panels joined by welding does not preclude the prior art structure from also being separable for disassembly. It is further noted that applicant's claims are of such broad nature that they would be anticipated by any armored vehicle. Armored vehicles can be loaded onto another vehicle for transportation and often comprise seats secured within the vehicle (i.e. modular structure). Armored vehicles are manufactured from a plurality of frame portions and abutting armored panels (i.e. they are not cast as an entire structure), note the cited art. Applicant's remaining arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection as necessitated by applicant's amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 38-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schockey et al. (US Patent # 6, 612,217) in view of Noda et al. (US Patent # 6,502,788), Strasser et al. (US Patent # 5,970,843), Meyer (US Patent # 2,889,752), Hawles (US Patent # Des. 343,824) and Lavergne (US Patent # 6,073,884). The references in combination disclose an aircraft formed by a plurality of modular structures comprising a frame formed from a plurality of frame portions and a shell formed from a plurality of abutting armored panels, each of the frame portions being secured to at least one of the panels to form discrete units the units being joinable to form the modular structure and the units being separable to disassembly the modular structure (welding and bolts may be removed to disassembly any unit for repairs or relocation). Each modular structure is joinable with another modular structure to form a larger modular structure (the entire aircraft). Lavergne teaches specific aircraft seats for securing within the modular structure the seats are floor mounted helicopter seats having a four point harness. Portions of the armored panels are removable from an interior of the modular structure to form ports (for windows and doors to the aircraft (see Schockey et al.)). Units are removable from the modular structure and joinable with another modular structure (a door from one aircraft can be removed and used with another aircraft). Strasser et al. teaches a specific fiber-reinforced polymer material that can be used in aircraft. The door of the aircraft is hinged to form an entry port of the modular structure. Meyer teaches one of the aircraft units having an attachment area for mounting weaponry. Hawles teaches an attachment area for mounting a crane. The shell defines at least a portion of both an interior surface and an opposite exterior surface of the modular structure and the frame is positioned adjacent one of the interior surface and the exterior surface of the modular structure. The units define a ceiling, a floor and walls of the modular structure from the frame portions and

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the armored panels. The frame and shell can form an elongate shape (i.e. an airplane). The base, at least three armored sides and an open end form a self-supporting structure. The references are analogous art because they are from the same field of endeavor: aircrafts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings in order to obtain a workable aircraft.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MICHELLE CLEMENT
PRIMARY EXAMINER